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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,720	09/22/2003	Steffen Sonneckalb	J&R-1126	9696
27346 7590 03/19/2008 LERNER GREENBERG STEMER LLP FOR INFINEON TECHNOLOGIES AG P.O. BOX 2480 HOLLYWOOD, FL 33022-2480				
EXAMINER				
PAN, DANIEL H				
ART UNIT		PAPER NUMBER		
2183				
MAIL DATE		DELIVERY MODE		
03/19/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/667,720

**Applicant(s)**

SONNEKALB, STEFFEN

**Examiner**

Daniel Pan

**Art Unit**

2183

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 09/22/03
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2183

/Daniel Pan/

Primary Examiner, Art Unit 2183

1. Claims 1-9 remain for examination.
2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (6,163,837) in view of Douglas et al. (6,609,193).
- 3.
4. Claims numbers 2-9 were not included in the "103" Form Paragraph due to oversight in the last Office action. However, Paragraphs 11-14 already included discussions for claims 2-8 in the last Office action on 08/29/07.
5. Upon further consideration, claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the combined features of the program-controlled unit treats the pipeline instructions, which instruct stopping, as unknown instructions when execution of the pipeline instructions, which instruct stopping, is not enabled.
6. As to newly amended claim 1, Chan was also directed to a circuit (see figs. 6 and 7).
7. As to the new amendments in claims 1-9, these changes were directed to language format not changing the original scope.
8. The rejection has been maintained and incorporated by reference the last office action on 08/29/07.

9. Upon further consideration and the new amendment, the applicant's arguments have been found persuasive, and the "101" has been withdrawn.

10. The response filed on 12/24/07 has been fully considered but is not persuasive.

11. In the remarks, applicant argued that :

a) How would one of ordinary skill in the art modify NOP software instruction in view of a teaching about controlling the clock of pipe stage based on hardware signals indicating operational conditions of a pipeline stage ?

b) Douglas equations were executed by control logic unit 401, and they are not pipeline instructions;

12. As to a) above, Douglas already taught the particular clock x for staling the pipe stage based on a given command in fig.7). Therefore, software instruction in Douglas was applicable. Furthermore, one of ordinary skill in the art should be able to recognize that a NOP software instruction, or the like, must have a mapping to the hardware components of the lower level in order to effectuate the delay in the system clock.

13. As to b) , Douglas "algorithm equations" were executed by the control logic unit 401, therefore it must be in instruction form. Since Douglas already taught the stalls by respective commands for each pipe stage in col.8, lines 50-67, col.9, lines 1- 13, Douglas algorithm was also applicable for pipeline instructions.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*21 Century Strategic Plan*

/Daniel Pan/  
Primary Examiner, Art Unit 2183

